

Application No. 10/709,346
Docket No. 03-0196
September 7, 2006

REMARKS

The undersigned thanks Examiner Yonel Beaulieu for the telephonic interview held on August 7, 2006. During the interview, and as set forth in the Examiner's Interview Summary mailed on August 15, 2006, two issues were discussed: (1) the discrepancy between pages 2 and 4 of the Office Action as to which claims are allowable and (2) Bender, with respect to claims 1-9.

As to the first issue, the Examiner agreed that claims 10-31 are allowable, rather than what was set forth in page 4 of the Office Action. As to the second issue, the undersigned argued that Bender does not teach the stayout zone described and claimed in the present invention. The Examiner invited the undersigned to present arguments in this written response to the Office Action. The only agreement reached between the Examiner and the undersigned pertained the first issue: that claims 10-31 are allowable.

Reconsideration of the application in view of the following remarks is requested.

Claim Rejections – 35 U.S.C. § 102(b)

The rejection of claims 1-9 under 35 U.S.C. § 102(b) as being anticipated by Bender *et al.* (U.S. Patent No. 5,412,574) is respectfully traversed.

The stayout zone of Bender is not the same as the stayout zone of Applicants' invention. In Bender, the stayout zone is defined relative to "spacecraft appendages" (column 5, lines 56 and 63) or as "a function of the star tracker's sunshade design" (column 6, lines 4-5). In contrast, however, the stayout zone in Applicants' invention is associated with a bright object or a plurality of objects, as described in paragraphs [0010], [0033], and numerous other places in the specification and claims.

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This difference becomes even more relevant when considering the step of “determining a star in the stayout zone,” as claimed in claims 1-9 of the present invention. The Examiner states that Bender supposedly teaches such step in Figs. 3a and 3b; and at least col. 5, lines 38-63, but Applicants respectfully disagree. Nowhere does Bender teach that a star should be determined in the stayout zone. To the contrary, the stayout zone of Bender “is a function of the star tracker’s sunshade design” (Bender, col. 6, lines 4-5) so as to avoid “sunlight or glint from solar panels” (Bender, col. 6, lines 14-15).

In contrast, Applicants’ invention makes no attempt to avoid a bright object or a plurality of bright objects. In Applicants’ invention, if a star is intruded upon by a bright object, such star is simply excluded from attitude determination. This is demonstrated in the last step in claim 1: “determining a vehicle inertial attitude or angular velocity … excluding the star within the stayout zone,” which Bender likewise does not disclose or teach.

Thus, Applicants respectfully disagree that Bender discloses or teaches either the stayout zone or the step of determining a star in the stayout zone as the Applicants’ invention or determining inertial attitude or angular velocity, excluding a star in the stayout zone.

Likewise, because of the differences between Bender’s and the Applicants’ stayout zones, as described above, and for the reasons set forth in Applicants’ Response to Office Action dated April 25, 2006 (“April 25th Response”), it necessarily follows that the Examiner’s rejection of claims 2-9, all of which depend from claim 1, is unavailing.

Given that Bender does not teach all the limitations of the present application, the rejection of claims 1-9 as being anticipated by Bender should be withdrawn and the claims allowed.

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Allowable Subject Matter

The Examiner stated that claims 10-31 are allowable.

Conclusion

In view of the remarks above and in Applicants' April 25th Response, Applicants respectfully submit that the present application is in condition for allowance. Accordingly, issuance of a Notice of Allowance is respectfully requested. Please charge any fees required or credit any overpayment in the filing of this amendment to deposit account 50-3195.

Respectfully submitted,

Dated: New York, New York
September 7, 2006

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